

**Amendments to the Specification:**

Kindly replace the paragraph beginning on line 7, page 3 of the specification, with the following paragraph:

A system and method are disclosed for responding to a failure in a communications system. The failure is detected by a router and the router transmits data using the protection port. The router then sends a signal to the optical cross-connect system which indicates the failure and causes the optical cross-connect to ~~connection~~ connect the protection port to the working port. Thus, the costs can be mitigated by transmitting low priority data from the protection port/backup router via the Spare Service Layer, and preempting the low priority data during a failure.

Kindly replace the paragraph beginning on line 16, page 3 of the specification, with the following paragraph:

Referring now to FIGURE 1, there is illustrated a block diagram of a communications network 100 for transferring data from a first terminal 105 to a second terminal 105. The optical network 100 comprises any number of routers 110, optical cross-connect systems (OXC) 115, and [[a]] Dense Wavelength Division Multiplexers (DWDM) 120. The routers 110 serve as gateways to the optical network 100 for any number of terminals 105. Information is transferred from terminals 105 to the router 110 in the form of packets. In addition to data, packets includes other information, such as the address of the destination terminal (destination address). The router 110 creates or

maintains a table of the available routes and their conditions and uses this information along with distance and cost algorithms to determine the best route for a given packet.

Kindly replace the paragraph beginning on line 13, page 5 of the specification, with the following paragraph:

Referring now to FIGURE 2A, the router 110 connected to the OXC 115. The router 110 includes a working port 205 and a protection port 210. The OXC 115 is connected to the DWDM 120 via OXC working ports 215, a spare physical layer 220, and a spare service layer 225. The working ports 205 and 215 are used to transmit data from and to the router 110. If a failure occurs between the OXC 115 and the DWDM 120, in Fig. 1, then the OXC 115 detects the failure and connects the working port 205 to the Spare Physical Layer ~~[[210]]~~ 220. If a failure occurs between the router 110 and the OXC 115, the router 110 detects the failure and uses the protection port 210 to transmit the data. The protection port 210 is connected by the OXC 115 to the Spare Service Layer 225.

Kindly replace the paragraph beginning on line 23, page 5 of the specification, with the following paragraph:

Referring now to FIGURE 2B, there is illustrated a block diagram of a router 110A and a router 110B, both of which are connected to an OXC 115. The OXC 115 is connected to the DWDM 120, as shown in Fig. 1, via OXC working ports 215, Spare Physical Layer 220, and Spare Service layer 225. The primary router 110A is used to transmit data via the OXC working ~~port~~ port 215. If a failure occurs between the OXC

115 and DWDM 120, then the OXC 115 detects the failure and connects the primary router 110A to the Spare Physical Layer 220 via path 221. If a failure occurs between the routers 110 and the OXC 115, then the router 110A detects the failure and alerts the router 110B. The router 110B is used to transmit the data and is connected by the OXC 115 to the Spare Service Layer 225 via path 226.

Kindly replace the paragraph beginning on line 3, page 6 of the specification, with the following paragraph:

The extra capacity allows for fast restoration of the network 100. The costs can be mitigated by transmitting low priority data from the protection port 210 ~~[[or]]~~ of router 110B via the Spare Service Layer 225 and preempting the low priority data during a failure as needed.

Kindly replace the paragraph beginning on line 30, page 6 of the specification, with the following paragraph:

Referring now to FIGURE 4, there is signal flow diagram describing the operation of the router 110 and the OXC 115. At step 405, the router 110 detects a failure between the router 110 and the OXC 115. ~~At Step 420, the router 110 transmits data using the protection port 210 to the OXC 115.~~ At step 410, the router 110 alerts the OXC 115 of the failure of the working port 205 and directs the OXC 115 to connect the protection port 210 to the working port 215 of the OXC 115. The OXC 115 responds by

connecting the protection port 210 to the working port 215 of the OXC 115 (step 415).

At Step 420, the router 110 transmits data using the protection port 210 to the OXC 115.

Kindly replace the paragraph beginning on line 29, page 7 of the specification, with the following paragraph:

Referring now to FIGURE 6, there is signal flow diagram describing the operation of the router 110B and the OXC 115 relating to Figs. 5A – 5C. At step 605, the router 110B detects a failure of the router 110A. Detection of the failure by the router 110B can occur, for example, by means of a signal sent from the router 110A to the router 110B indicating the same. At step 610, the router 110B alerts the OXC 115 of the failure of the router ~~110A~~ 110A. At step 615 the router 110B directs the OXC 115 to connect the router 110B to the working port 215 of the OXC 115 and the OXC 115 responds by connecting the router 110B to the working port 215 of the OXC 115. At step 620, the router 110B transmits the data.

Kindly replace the paragraph beginning on line 22, page 8 of the specification, with the following paragraph:

Referring now to FIGURE 7B, there is illustrated the OXC connections where the router 110B has detected the failure of the router 110A. Data from the router 110B is received by the OXC 115B. A free channel is established between the OXC 115B, each intervening OXCs 115 (I)....115(N) and the OXC 115A. The data is transmitted from the OXC 115B to the OXC 115A via the free channel established over the intervening OXCs

115(I)...115(N). The OXC 115A connects the free channel to the working port 215A of  
[[the]] OXC 115A and transmits the data therefrom.